

lature; amending Art. 17.25 by adding thereto Sec. 22 requiring that every county mutual insurance company licensed and doing business under Chapter 17 of the Insurance Code at the effective date of this Act shall have until May 31, 1954, to comply with the requirements of this Act, that those companies which fail to so comply shall not thereafter issue new policies until such requirements are met but that those companies which fail to so comply may continue to operate under the Articles herein amended in so far as policies issued on or before May 31, 1954, are concerned and may be so licensed; providing severability; and declaring an emergency."

To the Committee on Insurance.

#### Co-Authors of Bill

Senator Ashley and Senator Hardeman asked unanimous consent to be shown as co-authors of S. B. No. 103.

There was no objection offered.

#### House Bills on First Reading

The following bills, received from the House today, were read the first time and referred to the committees indicated:

H. B. No. 197, to Committee on State Affairs.

H. B. No. 196, to Committee on State Affairs.

H. B. No. 195, to Committee on State Affairs.

H. B. No. 194, to Committee on State Affairs.

H. B. No. 193, to Committee on State Affairs.

H. B. No. 192, to Committee on State Affairs.

H. B. No. 191, to Committee on State Affairs.

H. B. No. 190, to Committee on State Affairs.

H. B. No. 189, to Committee on State Affairs.

H. B. No. 188, to Committee on State Affairs.

H. B. No. 187, to Committee on State Affairs.

H. B. No. 186, to Committee on State Affairs.

H. B. No. 184, to Committee on State Affairs.

H. B. No. 183, to Committee on State Affairs.

H. B. No. 60, to Committee on Game and Fish.

#### Presentation of Guest to Senate

Senator Phillips, by unanimous consent, presented the Honorable W. H. (Bill) Tarpey, City Commissioner of Texas City, Texas, to the Members of the Senate.

#### Adjournment

On motion of Senator Hardeman, the Senate at 10:55 o'clock a. m. adjourned until 10:30 o'clock a. m. tomorrow.

#### TWELFTH DAY

(Thursday, February 5, 1953)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moore
Ashley	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Kazen	Rutherford
Kelley	Sadler
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagoner
McDonald	Willis
Moffett	

#### Absent—Excused

Bell	Weinert
Hazlewood	

A quorum was announced present.

The invocation was offered by the Reverend W. H. Townsend, Chaplain, as follows:

Our Father, we thank thee for the fine fellowship, and the sincerity of purpose in which these officers and Senators face their task. Give us clean hands, clear thinking, and pure hearts

with which to work today. We pray in Christ's name. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leaves of Absence

Senator Bell was granted leave of absence for today, on account of illness, on motion of Senator Strauss.

Senator Hazlewood was granted leave of absence for today, on account of illness, on motion of Senator Hardeman.

Senator Weinert was granted leave of absence for today, on account of important business, on motion of Senator Martin.

#### Message From the House

Hall of the House of Representatives,  
Austin, Texas,  
February 5, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 174, A bill to be entitled "An Act making it unlawful to take or attempt to take any fish by any means or device whatever from the waters of the North Concho River in Tom Green County, Texas, between the San Angelo Dam which is on and across said river adjacent to the north limits of the City of San Angelo and a point approximately nine or ten miles upstream on said river where a road crosses said river at and near the Shaw Gravel Pit which is on land adjacent to said river on land formerly owned by W. H. Shaw, including all waters which may now be impounded or which may hereafter be impounded by said dam; prescribing a penalty; prescribing a time limit for the operation of this law; repealing conflicting laws and declaring an emergency."

H. J. R. No. 3, Proposing an amendment to Section 24 of Article III of the Constitution of the State of Texas relating to compensation of Members of the Legislature; providing for the submission of the proposed amendment to a vote of the people; and providing for the effective date of the amendment if ratified.

H. C. R. No. 20, Requesting the Governor to appoint a Committee to study the educational needs of State Colleges and Universities.

H. C. R. No. 18, Granting H. V. Roberts permission to sue the State of Texas and the State Highway Department.

H. C. R. No. 16, Granting J. E. Crabtree permission to bring suit against the State of Texas.

H. B. No. 161, A bill to be entitled "An Act providing that it shall be unlawful to kill deer and wild turkey and quail in Coke County for a period of four (4) years from and after the passage of this Act; repealing all conflicting laws; providing a penalty; and declaring an emergency."

H. J. R. No. 9, Proposing an amendment to Section 11 of Article 1 of the Constitution of the State of Texas by adding a new section after Section 11 thereof, to be designated as Section 11a, providing that a court, judge or magistrate may exercise his sound discretion in granting bail to any person charged with a felony who at the time is at large on bail for the commission of another felony.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Resolution Signed

The President signed, in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 8, Commending the Governor and the State and the Texas State Board of Education for designating March 1-7, as Public School Week in Texas.

#### Senate Resolution 57

Senator Moffett offered the following resolution:

Whereas, Our esteemed and able colleague, Senator Grady Hazlewood of Amarillo, has been ill at his home for the past few days; and

Whereas, His presence and helpful activities in the Senate of Texas are sorely missed by the members of this body; and

Whereas, Reliable reports indicate that our colleague will be with us again soon; now, therefore, be it

Resolved, That the entire membership of the Senate, including the Lieutenant Governor of Texas, hereby ex-

tend our sympathy to Senator Hazlewood in his present incapacity and wish for him a speedy recovery; and be it further

Resolved, That the Secretary of the Senate be instructed to send a wire to Senator Hazlewood apprising him of our concern over his welfare and expressing the hope that he will soon be returned to normal health and be with us again.

MOFFETT  
CORBIN  
ROGERS  
of Childress  
PHILLIPS

The resolution was read and was adopted.

#### Senate Resolution 58

Senator Moffett offered the following resolution:

Whereas, The Members of the Senate of Texas are indeed regretful over the continued absence from the Senate of our able colleague, Senator John Bell of Cuero, who has sustained an illness which at first confined him to the hospital but he has since recovered and is now at his home; and

Whereas, His presence among us is greatly to be desired; now, therefore, be it

Resolved, That the entire Senate of Texas, and the Lieutenant Governor express our deepest sympathy for Senator John Bell, and further express the hope that he will be back in his seat in a very short time; and be it further

Resolved, That the Secretary of the Senate be instructed to send a wire to Senator Bell extending him the full sympathy of the members of the Senate and the hope and belief that he will soon attain complete recovery.

MOFFETT  
KELLEY  
PHILLIPS  
SHIREMAN

The resolution was read and was adopted.

#### Senate Resolution 59

Senator Hardeman offered the following resolution:

Whereas, We are honored today by the presence of a former distinguished member of this body, namely, Honorable Hill D. Hudson, of Reeves County; and

Whereas, It is the desire of the Senate to recognize the presence of this distinguished Texan, and to invite him to address the Senate and to extend to him a welcome to the Capitol today; now, therefore, be it

Resolved, By the Senate of Texas, that Honorable Hill D. Hudson be, and he is hereby, extended a welcome to the Capitol and to the Senate Chamber, that he be invited to address the Senate and be extended the courtesies of the floor for the day.

HARDEMAN  
LANE

The resolution was read and was adopted.

The President appointed Senators Lane, Hardeman and Ashley to escort the Honorable Hill D. Hudson to the President's rostrum. The President introduced former Senator Hudson to the Senate and he addressed the Senate briefly.

#### Senate Resolution 60

Senator Aikin offered the following resolution:

Whereas, Honorable A. J. Folley of Amarillo, former member of the Supreme Court of Texas, is a visitor in the Capitol today; and

Whereas, Judge Folley is an outstanding citizen of this State; and

Whereas, The Senate is desirous of extending him a hearty welcome; now, therefore, be it

Resolved, That Judge Folley be extended the privilege of the floor for today.

The resolution was read and was adopted.

Senator Aikin presented Honorable A. J. Folley to the Members of the Senate.

#### Senate Resolution 62

Senator Rogers of Childress offered the following resolution:

Whereas, January 18, 1953, marked a notable milestone in the life of Mr. and Mrs. F. M. Brewer, Sr., a highly respected pioneer couple of Littlefield, Texas; and

Whereas, This couple is recognized as one of the truly deserving couples of Texas, and Mr. Brewer and his good wife have walked together down life's pathway for half a century; and

Whereas, Mr. and Mrs. Brewer celebrated their Golden Wedding Anniversary in their home with their family and a host of friends on Sunday, January 18, 1953, and it being the desire of the Senate to extend its best wishes to Mr. and Mrs. Brewer and to congratulate them on this happy occasion; now, therefore, be it

Resolved, By the Senate of Texas, that the best wishes and congratulations of this body be, and the same are, hereby extended to Mr. Brewer and his wonderful lady, and may many more happy years together be theirs.

The resolution was read and was adopted.

#### Reports of Standing Committees

Senator Martin submitted the following committee report:

Austin, Texas,  
February 4, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 9, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute attached hereto do pass in lieu thereof, and be printed.

MARTIN, Vice-Chairman.

C. S. S. C. R. No. 9 was read first time.

Senator Hardeman submitted the following report:

Austin, Texas,  
February 4, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. B. No. 56, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

#### Senate Bills and Resolution on First Reading

The following bills and resolution were introduced, read first time and referred to the committees indicated:

By Senator Fuller:

S. B. No. 108, A bill to be entitled

"An Act validating oil and gas leases sold by the School Land Board and issued by the Commissioner of the General Land Office, under the seal of his office, covering areas within tidewater limits which were advertised and offered for lease on June 7, 1949, after advertisement for not less than thirty (30) days prior to June 6, 1949, in accordance with the law in effect; providing that the Act shall not apply to or affect any oil and gas leases sold and issued pursuant to said advertisement and lease sale date which are not otherwise valid and in force on the effective date of this Act; and declaring an emergency."

To the Committee on State Affairs.

By Senator McDonald:

S. B. No. 109, A bill to be entitled "An Act abolishing the office of County Attorney of Smith County, Texas; creating the constitutional office of Criminal District Attorney for Smith County; providing for the election, tenure of office; etc.; and declaring an emergency."

To the Committee on State Affairs.

By Senators Lane and Moore:

S. B. No. 110, A bill to be entitled "An Act creating a Board of Managers for the Texas State Railroad as an agency of the State of Texas; providing for the appointments, terms, powers and duties of such Board members; ratifying the acts of prior Boards; directing that the present Board transfer possession of the Texas State Railroad to the Board of Managers herein created; authorizing the Board to sell or lease or contract in regard to the Texas State Railroad; providing for the transmittal of all money received by the Board to the State Treasurer and directing his disposition of the same; providing for annual reports by said Board and for certain audits by the State Auditor; authorizing free transportation for Board members; ratifying a certain lease contract now in force; etc.; and declaring an emergency."

To the Committee on State Affairs.

By Senator Fuller:

S. B. No. 111, A bill to be entitled "An Act providing that the provision of Article 4478, R. C. S. of Texas of 1925, restricting the presentation of petitions to the Commissioners' Court for the establishment of a county hos-

pital to intervals of not less than twelve (12) months shall not be applicable to counties which at the time of presentation of any such petition have no county-owned hospital; and declaring an emergency."

To the Committee on State Affairs.

By Senator Parkhouse:

S. B. No. 112, A bill to be entitled "An Act amending Section 5, Chapter 171, Acts 1947, 50th Legislature, so as to make the General Laws of Texas relating to maintenance taxes and bonds of independent school districts incorporated under Title 49, Revised Civil Statutes, as amended, applicable to independent school districts created under Chapter 171, Acts 1947; providing for repeal of all laws in conflict therewith; and declaring an emergency."

To the Committee on State Affairs.

By Senator Parkhouse:

S. B. No. 113, A bill to be entitled "An Act to amend Sec. 16, Article 8308, Revised Civil Statutes of 1925, repealing all laws or parts of laws in conflict; providing a savings clause; and declaring an emergency."

To the Committee on Insurance.

By Senators Rogers of Childress and Rogers of Travis:

S. J. R. No. 9, Proposing an amendment to the Constitution of the State of Texas by amending Section 1 of Article VI so as to confer the right to vote upon members of the regular establishment of the United States Army, Navy, Marine Corps, or Air Force, or component branches thereof, provided such person shall meet the residence requirements for voting.

To the Committee on Constitutional Amendments.

#### House Bills and Resolutions on First Reading

The following bills and resolutions, received from the House today, were read the first time and were referred to the committees indicated:

H. J. R. No. 9, to Committee on Constitutional Amendments.

H. J. R. No. 3, to Committee on Constitutional Amendments.

H. C. R. No. 18, to Committee on State Affairs.

H. C. R. No. 16, to Committee on State Affairs.

H. B. No. 174, to Committee on Game and Fish.

H. B. No. 161, to Committee on Game and Fish.

H. C. R. No. 20, to Committee on Educational Affairs.

#### Co-Author of S. J. R. No. 9

Senator Rogers of Travis asked unanimous consent to be shown as co-author of Senate Joint Resolution No. 9.

There was no objection offered.

#### Co-Author of S. B. No. 101

Senator Fuller asked unanimous consent to be shown as co-author of Senate Bill No. 101.

There was no objection offered.

#### Co-Author of S. B. No. 103

Senator Moffett asked unanimous consent to be shown as co-author of Senate Bill No. 103.

There was no objection offered.

#### Senate Concurrent Resolution 11

Senator Parkhouse offered the following resolution:

S. C. R. No. 11, Granting Henry J. Wallace et al. permission to sue the State.

Whereas, Henry J. Wallace, Ava Cain Hamilton Price, joined by her husband Hunter Price, Jr., Effie Wallace Briscoe, a feme sole, Rayburn M. Hamilton and D. Wallace Hamilton, hereinafter called the "Wallace Heirs," allege that they are heirs of H. S. Cobb, deceased, and acquired a one-fourth (¼) undivided interest in the residue of the Estate of H. S. Cobb; that certain lands in the H. F. Robinson Survey, now a portion of the right-of-way of Texas State Highway No. 15, U. S. Highway No. 80, running east and west through said H. F. Robinson Survey, more particularly described in a right-of-way deed dated August 8, 1933, executed by M. L. Cobb, are a part of the residue of the said Estate; that the said "Wallace Heirs" are the rightful owners of an undivided one-fourth (¼) interest in and to said lands, title to which they have not divested themselves save and

except by the execution of an oil, gas and mineral lease to Bertha Ila Williams, of Dallas County, Texas, dated November 23, 1951; and

Whereas, the said "Wallace Heirs" and the said Bertha Ila Williams desire to bring an action in trespass to try title to remove cloud from title and for partition against the State of Texas and the State Highway Commission, and the "Wallace Heirs" have named, constituted and appointed the said Bertha Ila Williams, their agent and attorney in fact according to a Power of Attorney dated August 16, 1951, with full power and authority to do and perform all and every act and thing whatsoever necessary and requisite to be done in and about the premises; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that Henry J. Wallace, Ava Cain Hamilton Price, joined by her husband Hunter Price, Jr., Effie Wallace Briscoe, a feme sole, Rayburn M. Hamilton and D. Wallace Hamilton, acting by and through their attorney in fact, Bertha Ila Williams, and the said Bertha Ila Williams individually as lessee under the oil, gas and mineral lease aforesaid be, and they are hereby granted permission to file suit in trespass to try title, for removal of cloud from title, and for partition against the State of Texas and the State Highway Commission in any court of competent jurisdiction in Travis County, Texas, for the recovery and partition of an undivided one-fourth ( $\frac{1}{4}$ ) interest in and to the following described tract or parcel of land situated in Wood County, Texas:

Being a strip of land 145.3 feet in width, through the M. L. Cobb tract of land and out of the Henry F. Robinson Survey in Wood County, Texas.

BEGINNING at the intersection of west boundary line of the said M. L. Cobb tract of land in the center-line of the relocation of Highway No. 15, near Hawkins, Texas, as surveyed by the Resident Engineer of the State Highway Department of Texas, station 977 plus 51, same point being 85.2 feet north from the intersection of the said west boundary line, and the north boundary line of the Texas & Pacific R. R. right-of-way; THENCE north along said west boundary line for a distance of 60.1 feet to a point 60 feet perpendicularly distant from the said center-line; THENCE S. 86 deg. 05' E. 60 feet from and parallel to the said center-

line for a distance of 2117 feet to the east boundary line for a distance of 145.3 feet to a point in the north boundary line of the said R. R. right-of-way crossing the said center-line at 60.1 feet Engineer's Station 998 plus 68; THENCE north 86 deg. 05' W. 85 feet from and parallel to the said center-line and along the north boundary line of the said R. R. right-of-way for a distance of 2117 feet to the west boundary line of the said Cobb tract of land; THENCE north along the said west boundary line for a distance of 85.2 feet to the place of beginning, containing 7.047 acres of land, more or less.

and be it further

Resolved, That no suit shall be filed after the expiration of two (2) years from the effective date of this resolution, and in the event suit is filed before the expiration of two (2) years after the effective date hereof, service of citation may be had by serving the chairman of the State Highway Commission and the Attorney General of Texas; the law and rules governing the trial of civil cases in this State shall apply to the trial of all issues in said suit; any party shall have the right of appeal; and nothing contained in this resolution shall be construed as an admission against the State of Texas.

The resolution was read and was referred to the Committee on State Affairs.

#### Message From the House

Hall of the House of Representatives,  
Austin, Texas,  
February 5, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 5, Authorizing certain corporations to sue the State of Texas; etc.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Resolution Signed

The President signed, in the presence of the Senate after the caption had been read, the following enrolled resolution:

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S. C. R. No. 5, Granting Oliver Chilled Plow Works et al. permission to sue the State.	journed until 10:30 o'clock a. m. on Monday, February 9, 1953.
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**Adjournment**

On motion of Senator Hardeman, the Senate at 11:10 o'clock a. m. ad-

**Record of Vote**

Senator Phillips asked to be recorded as voting "nay" on the motion to adjourn.

**In Memory of**  
**William Perry Abernathy**

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Senator Russell offered the following resolution:

(Senate Concurrent Resolution 10)

Whereas, In the passing of William Perry Abernathy, a lawyer and prominent civic leader of McKinney, Texas, from this earthly life on the fourth day of February, 1953, Collin County and all of Texas has suffered an irreparable loss; and

Whereas, His many friends mourn the passing of this good and unselfish business and civic leader whose work has left an impress on the life of our State; and

Whereas, William Perry Abernathy, who died at the age of forty-six years, devoted much of his time and energy to the promotion of public welfare; and

Whereas, William Perry Abernathy, a senior member of the law firm of Abernathy & Abernathy, which had been established by his grandfather in 1876, in McKinney, was a graduate of the SMU law school. He was a member of the board of directors of the SMU Alumni Association representing District 1; and

Whereas, He was a past president of the Collin County Bar Association and a member of the American and the Texas Bar Association. He was past president of the board of the Texas Bar Association and of the McKinney Junior Chamber of Commerce; and

Whereas, While at SMU, he was a member of the honorary senior society, Cycen Fjodr, and the law school honorary fraternity of Phi Alpha Delta. He was a member of the Northwood Country Club in Dallas; and

Whereas, He was a senior warden of the St. Peter's Episcopal Church in McKinney, and frequently donated his legal services and instruction to veterans in the McKinney Veterans Hospital; now, therefore, be it

Resolved, That the passing of this outstanding citizen of Collin County be fittingly recognized and that the Texas Senate, the House of Representatives concurring, express to the members of the family, his wife, his mother, Mrs. Ozella Perry Abernathy, his son, William Charles Abernathy, and sister, Mrs. John A. Pace, our sincere sympathy; and that a copy of this resolution be mailed to each of them.

Resolved, That a page be set aside in the Senate Journal and the House Journal; and that when the Senate and the House adjourn today, they do so in respect to the memory of this man.

The resolution was read and was adopted by a rising vote of the Senate.

**In Memory of**  
**William Henry Thaten**

---

Senator Rogers of Childress offered the following resolution:

(Senate Resolution 61)

Whereas, An all-wise God in His infinite wisdom called to rest William Henry Thaten at the age of sixty-five, an honoured leader and outstanding pioneer citizen of Childress, Childress County, Texas; and

Whereas, William Henry Thaten since the early 1900's has been prominent in the construction business in Childress and surrounding communities and also has successfully operated several bakeries in various Texas cities; and

Whereas, He served loyally, faithfully and with distinction as a member of the City Council of Childress; and

Whereas, William Henry Thaten was loved and respected for his many kind acts and deeds of friendship, unselfish effort and service; and

Whereas, He was a thirty-second degree Mason and Shriner, active in the affairs of the Childress Masonic Lodge for many years; and

Whereas, It is the desire of the Senate of Texas to express sympathy to the survivors of William Henry Thaten; now, therefore, be it

Resolved, That the Senate of the State of Texas acknowledge with regret the loss which occurred with the death of William Henry Thaten, and that when the Senate adjourns today, it do so in his memory, and that copies of this resolution be sent to the immediate members of his family.

The resolution was read and was adopted by a rising vote of the Senate.